those producers who had crops to harvest in 1999? Yes, our farmers can receive AMTA payments without planting a crop. That is part of the flexibility of the farm bill. But you and I know, Mr. Secretary, they must plant a cover crop for conservation requirements, and you and I also know that farmers have shifted the crops they plant and the current price crisis affects all crops. I know of no farmers who have quit planting altogether.

Farmers don't do that.

Last Friday, you said these payments are being made on many acres that are no longer planted to crops but rather have been switched over to pasture and to grassland. If that is the case, certainly hard hit livestock producers will also benefit from the AMTA payments. But more to the point, you, some in the Department and many of our friends across the aisle have urged production and/or acreage controls because farmers have allegedly planted ''fence row to fence row'' under the 1996 farm bill. The dramatic changes in production figures on major crops you cited arguing the administration's new payment distribution proposal clearly shows the large grain surpluses did not come from U.S. farmers. However, the current AMTA payment plan is, in fact, a paid diversion if the farmer wishes to make that decision.

Those who propose acreage or production controls should embrace AMTA payments in that it affords farmers the opportunity to be paid for shifting to other crops or putting the ground into good conservation practices. They won't, of course, because the controls are not mandatory and did not simply come out of Washington.

The second complaint we have heard is, ''Payments are being made to those who share no risk in farm production,'' or the landlords.

Dan, if they are, both the USDA and the recipient are simply breaking the law. The 1996 farm bill clearly states that payments can be made only to those who ''assume part or all of the risk of producing a crop.'' If payments are indeed being made to those who share no risk in production, it is a clear violation of the law and disciplinary action should be taken for any official approving payments in an illegal manner.

The third complaint was, ''The income assistance component must address the shortcomings of the farm bill by providing countercyclical assistance.''

I am not going to go into a detailed description of a portion of the farm bill that we call the Loan Deficiency Payment Program—

And the acronym for that is LDPs—

but what on Earth is the loan deficiency payment if it is not countercyclical? As a matter of fact, your own Department estimated last week that at least $5.6 billion in loan deficiency payments will be going out to farmers this year because prices are low and the lower prices are, the higher the LDP payments—

i.e., they are countercyclical—

even to the point of exempting them from payment limitations.

That is how much money is going out under the LDP Program.

How can you get more safety net countercyclical than that?

Fourth: The alternative plans that you have proposed—

And there have been several of them—

have problems in regard to how they would work.

While no formal alternative plan has been submitted—

And I emphasize the word ''formal'' and specific—

you have indicated such a plan would base payments off of a State average yield or off of a 5-year production average that farmers would have to prove.

On one hand, you are telling farmers their payment will be based on ''actual production yields'' while on the other you state you intend to use the 1999 State averages or 5-year average yields. We both know that widespread discrepancies can occur in yields from one region of a State to another. We do not need western Kansas versus eastern Kansas arguments in regard to equity or similar arguments with any State or region throughout the country.

Fifth: Our farmers, and their lenders, will not know the amount of payment not to mention when they will receive it.

Any change in the AMTA distribution payments also changes what farmers and their lenders are promised and they banked on several months ago when we passed the bill in the Senate. We should use the current AMTA system where the producers and the lenders know exactly what their payments will be.

Finally, Dan, as we have discussed, no farm bill is set in stone and none is perfect by any means.

Certainly the current bill fits that description.

That debate is and should be taking place but not on an emergency bill. It has been 6 months now since you requested an emergency bill. To date, I still don't know the administration's budget position, and I have not seen a specific plan. Some within OMB tell the appropriators they want less lost income payments and more disaster and others just the opposite.

Summing up, with all due respect, Mr. Secretary, your proposal:

1. Is opposed by the very farmers who will receive emergency assistance.

2. Will delay the payments until next year.

3. Is based upon comments from those who apparently do not understand the legislation (and, I might add, not to mention farming) or if their comments are true, mean the USDA is breaking the law.

4. Has yet to be formally presented to staff and involves serious distribution and equity problems.

5. Breaks the commitment made to farmers and lenders when the Senate passed the emergency bill months ago.

With all due respect, Mr. Secretary, I don't think we should be in the business of changing horses after the stage left.

I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous agreement, the Chair recognizes the Senator from Nevada.

Mr. BRYAN. I thank the Chair.

LOWERING THE RADIATION PROTECTION STANDARD

Mr. BRYAN. Mr. President, in what has become one of the more unpleasant annual rituals here in the Senate, the majority leader has once again put the Senate on notice that we may soon consider legislation related to the disposal of high-level nuclear waste at the Yucca Mountain site in Nevada.

Since the Senate last considered this subject, the sponsors of this legislation have realized that the Senators from Nevada, and the Clinton administration, will never yield to the outrageous and dangerous—in my view very dangerous—demands of the nuclear power industry.

This year, it appears that the industry and its advocates here in the Senate have finally conceded defeat, and dropped their misguided attempts to require ''interim'' storage of high-level nuclear waste in Nevada.

We have been fighting the ''interim'' storage proposal since 1995, and its demise is a major victory not only for Nevadans, but for millions of other citizens, and taxpayers across the country.

Some of what remains in the current nuclear waste proposal, S. 1287, is reasonable.

In particular, I have long supported providing financial relief to utilities, and their ratepayers, who are financially damaged by the Federal Government's failure to begin removing waste from reactor sites in 1998.

Under the leadership of Secretary Richardson, the administration has offered to work with the utilities to provide such financial relief, and several of the provisions of this legislation are intended to give the Secretary the legal authority he needs to carry out this proposal.

If financial relief for the utilities was all we were talking about, I believe we could pass a bill today.

Other provisions of the bill, will, I expect, continue to draw a veto threat from the White House.

Should the Senate actually attempt to move to the bill in the coming months, I will have a lot more to say about the unsafe and irresponsible changes this legislation would make to the Federal high-level waste program, but today I want to focus briefly on one particular provision that in my view is threatening and dangerous and that is the attempt to lower the radiation protection standard to be applied to a potential repository site at Yucca Mountain.

The starting point for any fair evaluation of a potential repository is a fair and protective radiation release standard.

Since it is against this standard that the predicted performance of a repository is measured, the health and safety of the public depend on a strict and comprehensive standard.

The legislation reported by the Senate Energy Committee, if enacted, would emasculate current law and the Environmental Protection Agency's effort to establish a fair Yucca Mountain standard by shifting the responsibility for setting the standard to the NRC, the Nuclear Regulatory Commission, and establish, by legislative fiat, a standard far less protective of the public and the environment.

Since its creation by President Nixon nearly 3 decades ago, the Environmental Protection Agency has been the Federal agency charged with developing radiation release standards.

The EPA was created for a sound reason, which still holds true today: to

consolidate the Federal Government's effort to protect the environment in one Federal agency.

As the lead Federal Agency for environmental protection, the EPA has, for many years, set standards for a wide variety of pollutants, including radiation, to be applied by a wide variety of Federal agencies and regulatory bodies.

In addition to its general authority to set radiation standards, the EPA was specifically charged, by statute, with setting standards for high-level waste disposal by the original Nuclear Waste Policy Act of 1982.

Under the Nuclear Waste Policy Act, the EPA is charged with setting the standard, the NRC is charged with implementing the standard, and the DOE is charged with characterizing and building a repository.

When the Nuclear Waste Policy Act was amended in 1987, numerous changes were made, but the EPA's role as the standard setting agency was left untouched.

In 1992, the Nuclear Waste Policy Act was amended once again, and over my objections, this time the statute relating to the standard was changed.

In an effort by the nuclear power industry to influence the outcome of the EPA's work, the National Academy of Sciences was instructed to make recommendations to the EPA regarding the standard, and the EPA standard was required to be consistent with the NAS recommendations.

In 1992, Congress nevertheless was still unwilling to set the dangerous precedent of taking the standard setting authority away from the EPA.

To the disappointment of the nuclear industry and its supporters, however, this attempt in 1992 to have legislative changes to modify the law in an attempt to prejudice the EPA's work backfired—the industry was unhappy with the NAS's 1995 study, and renewed its effort to jerryrig a legislative standard that gutted the EPA provisions in the original Nuclear Waste Policy Act.

Recently, after years of work, and numerous delays, the EPA issued a proposed radiation release standard for Yucca Mountain.

The EPA is currently accepting comments on the proposed standard, and will continue to work with all parties interested in developing a final standard in the next few years.

But supporters of the industry's efforts to target nuclear waste for Nevada do not want a fair standard. They want a standard so low that Yucca Mountain, or any other site, simply could not fail.

The industry wants a standard that will provide a path around the many failings of the site, irrespective of the effects on public health and safety.

Although the radiation release standards are technical in nature, and quite complicated, the major issues of contention between the EPA, the NRC, and industry, however, are not.

First, what is the maximum increase in exposure to radiation Nevadans should be expected to bear due to the operation of the repository? And the second question is, should we protect a major aquifer that lies underneath the proposed repository site?

On the first subject—the level of protection—the report prepared by the National Academy of Sciences provides some helpful guidance.

This exhibit, as reflected in the chart, reflects that range. The white brackets here indicate the standard range from 2 to 20. The NRC standard, as one can see, in S. 1287, the current legislation, is far beyond the parameters of what the NAS, the National Academy of Sciences, has recommended. The EPA standard, on the other hand, set at 15 millirems, is well within those standards. So that is consistent with what the 1992 legislative changes mandated.

The exposure levels suggested by the NAS and the EPA were not simply plucked out of thin air. Both agencies relied heavily on similar standards established in the United States and by other countries. As this chart indicates, again, at the top is S. 1287, 30 millirems, which is far beyond the standard of most other countries; EPA at 15, the United Kingdom at 2; Switzerland, Sweden, Norway, Iceland, Denmark, and Finland at 10.

Once again, the EPA standard lies well within the midrange of standard practices around the world, while the standard included in S. 1287, as I indicated, lies at the extreme upper end of the range of existing practice.

More technical, but just as important, is the issue of what population the standard is measured against.

For the EPA proposal, the standard will be applied to the group of people most likely to be harmed—using reasonable assumptions regarding distance from the repository, and average eating and other personal habits, the EPA standard protects the ''maximally exposed individual.'' S. 1287 would apply the standard to an ''average'' member of what could be a very large group of individuals—leading to the possibility of very large exposures to members of the group who are at greater than ''average'' risk from the repository.

Proponents of gutting the radiation release standard, and of taking the EPA out of the process, claim that Nevadan's concerns are meaningless, and that natural variations in background radiation between regions render our concerns with an increased millirems a year meaningless.

That argument shows a blatant disregard for the health and safety of the people of Nevada.

We all live with whatever background radiation we may be exposed to; there is nothing we can do about that.

What we can do, as a matter of sound public health policy, is limit the amount of radiation exposure we add to background from manmade sources.

An ordinary chest x-ray—something we all subject ourselves to when necessary, but certainly don't consider a desirable event to occur on a regular basis—results in an exposure of about 5 millirems.

Under the legislation reported by the Energy Committee, Nevadans would be subjected to the equivalent of at least 6 additional, and unnecessary, chest x-rays each and every year.

We don't really know what the full health related effects of this type of exposure can result in, but I doubt that any member of the Senate would volunteer to subject his or her state, or family, to that type of risk.

Even under the EPA's proposed standard, individuals could expect to be subjected to future exposures equivalent to three chest x-rays a year—a proposal which, while more suitable than the alternatives offered by the nuclear power industry over the years, provides little comfort to Nevadans.

The second major issue which has raised such outrage by the nuclear power industry, the NRC, and their supporters here in Congress is the EPA's insistence upon requiring compliance with a separate groundwater standard.

Under the EPA's proposed standard, the repository would need to be in compliance with the goals of the Safe Drinking Water Act, which, in effect, limits radiological contamination of the groundwater to 4 mrems.

The proposed Yucca Mountain site lies over a major, if largely untapped, aquifer.

Water from the aquifer is currently a source of drinking water for several small communities in the vicinity of Yucca Mountain; it could, in the future, provide a drinking water source for several hundred thousand people.

While it is clearly not now a cost-effective source of drinking water on a large scale, it is incomprehensible to someone from the desert Southwest to intentionally contaminate such a large potential source of drinking water.

The EPA has been charged with protecting our nation's drinking water sources, and it takes that responsibility very seriously.

It has established standards to protect drinking water sources in a wide variety of regulatory programs, including those related to hazardous-waste disposal, municipal-waste disposal, underground injection control, generic spent nuclear fuel, high level waste, and transuranic radioactive waste disposal, and uranium mill tailings disposal.

All of these, and other, EPA standards and programs work together to protect groundwater resources throughout the nation, and the Yucca Mountain standard is merely another piece of this important regulatory framework.

The bottom line is simple: the groundwater under Yucca Mountain needs to be protected.

The standard proposed earlier this year by the NRC, and the standard included in S. 1287, encourage the intentional contamination of a potentially important aquifer running under the proposed repository site.

The EPA is duty bound to protect this aquifer, and has done so in its proposed standard.

It would be unconscionable for Congress to step in and reverse course on what has been a nearly 30 year effort by the EPA, and numerous other federal, state, and local governmental agencies, to protect and preserve our valuable natural resources.

While the Yucca Mountain standard is controversial, this is not the first time the federal government has gone through the exercise of setting radiation release standards.

Most recently, the EPA established standards for the Waste Isolation Pilot Project in New Mexico.

Like the proposed Yucca Mountain standard, the EPA's WIPP standard provides a maximum exposure of 15 millirems/year, and includes a separate 4 millirems groundwater standard.

It is not unreasonable for Nevadans to expect the same level of protection offered the citizens of New Mexico—and that is exactly what the EPA has proposed.

Fair treatment of Nevadans, of course, is not something that appears on the nuclear power industry's list of priorities.

Unfortunately for Nevadans, the nuclear power industry does not care much about the justification behind the EPA proposed standard.

For the industry and its supporters, the EPA is nothing more than an impediment to their ultimate plan to ship high-level nuclear waste to Nevada, no matter what the cost.

For the nuclear power industry, the test of whether or not a standard will be acceptable is not how protective it may be of the public health and safety, it is whether or not it allows a repository to be licensed.

Instead of focusing its attention on whether or not the Yucca Mountain site can meet a fair radiation release standard, the nuclear power industry is attempting to rig the standard to comport to what is being found at Yucca Mountain.

This cynical approach to public health and safety has led the industry along a strategy that seeks to undo decades of federal environmental protection policy, and to ask Congress to establish a very dangerous precedent of ''forum shopping'' for environmental protection standards and regulation.

Mr. President, Nevadans have the most at stake with the development of the Yucca Mountain standard.

The health and safety of future generations of Nevadans depend on a fair, protective standard.

There are, however, broader issues at stake here as well.

The integrity of our system of federal environmental protection is at risk.

The fundamental reason the EPA was created was to consolidate and coordinate federal environmental protection in a single agency.

Reassigning important standard setting authority to a more sympathetic agency on the whim of a particular industry could well mark the unraveling of decades of progress in protecting our environment.

Should the nuclear power industry have its way with Congress, and succeed in its efforts to undermine the EPA's long standing authority to set standards, who is next? Should we start down a path of returning to the days before 1970, when environmental protection was a hit or miss proposition for the federal government, leading to events such as 1969 fire near Cleveland, where sparks from a passing train actually ignited the polluted Cuyahoga river? I hope not.

Some in Congress continue to claim that Nevadans' concerns are foolish, that the shipment and burial of 80,000 metric tons of high-level nuclear waste are nothing to worry about.

Anyone subscribing to that line of reasoning should talk to some of the downwinders suffering genetic and cancer effects from our atmospheric nuclear testing; or the thousands of children suffering thyroid and other problems due to the 1986 Chernyobl accident; or the thousands of DOE workers at the Gaseous Diffusion Plant in Paducah, Kentucky, now agonizing over the effects of 40 years of mismanagement and coverup.

As Secretary Richardson has said about the situation in Paducah ''we weren't always straight with them in the past.''.

Mr. President, the Senate has plenty of work to do this fall.

Only one Appropriations bill has been signed into law, and the fiscal year ends this week.

Inportant measures that most of us agree need to pass, such as the Bankruptcy bill, or the FAA reauthorization, sit on the calendar awaiting action.

The nuclear waste bill reported by the Energy Committee is an environmental travesty which stands no chance of being enacted, and I hope the Majority leader will come to the conclusion that we should not waste any more of the Senate's time on this irresponsible special interest legislation.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 2605, making appropriations for energy and water development for the fiscal year ending September 30, 2000, which the clerk will report.

The legislative assistant read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2605) have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 27, 1999.)

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate equally divided between the chairman and ranking member.

The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask the Senator from Nevada, my ranking member, does he have any time problems that would make his schedule better if he went first?

Mr. REID. I have some things to do, as does the chairman, but I think the chairman should go first.

Mr. DOMENICI. I thank the Senator.

We have before us the Energy and Water Development Act, which is the appropriations bill for the year 2000. Last night, the House passed this conference report by a vote of 327–87, and I hope the Senate will also overwhelmingly support this conference report.

Incidentally, while this is a small bill in terms of total dollars in comparison to some of the very large bills, such as Labor-Health and Human Services, and many others, this is a very important bill. A lot of Senators don't know, and a lot of people don't know, that the title of this subcommittee and this bill—energy and water development—is kind of a misnomer because if you wanted to put in the major things that are in this bill that are of significance to America's well-being and security, you would hardly think that an energy and water development bill would have that in it.

But this bill funds the entire research, development, maintenance, and safety of the nuclear weapons of the United States. It funds the three major National Laboratories which are frequently called America's treasures of science. One is in Los Alamos, NM. The history of why it got started is well known and why it was selected to be up on that mountain. A sister institution is in California, which is called Lawrence Livermore, and there is an engineering facility that is different from those two. The other two labs are used to design and develop the weapons themselves; that is, the bombs.

Incidentally, we are not building any new bombs now. People keep challenging us when we put money in this bill, asking us how many weapons we are building. The argument is that Russia keeps building them and we are not building them. We are not terribly frightened about that. They build them differently, and they have a different philosophy about how to build them than we do.

These National Laboratories are engaged in the mission of maintaining these nuclear weapons indefinitely, without underground testing. For all of